

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Artis-Ray Cash, Jr.,  v.  Housing Authority of the City of Los Angeles (HACLA), et al.,	PLAINTIFF(S)  DEFENDANT(S)	<p>CASE NUMBER  2:25-cv-00962-WLH-DFM</p> <p><b>ORDER ON REQUEST TO PROCEED IN FORMA PAUPERIS (NON-PRISONER CASE)</b></p>
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The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

- is not able to pay the filing fees.  is able to pay the filing fees.
- has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

**IT IS THEREFORE ORDERED** that:

- The Request is GRANTED.
- Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- The Request is DENIED because the filer has the ability to pay.
- As explained in the attached statement, the Request is DENIED because:
- The District Court lacks  subject matter jurisdiction  removal jurisdiction.
  - The action is frivolous or malicious.
  - The action fails to state a federal claim upon which relief may be granted.
  - The action seeks monetary relief against defendant(s) immune from such relief.

**IT IS FURTHER ORDERED** that:

- Within 30 days of the date of this Order, the filer must do the following:

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

- As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED  WITHOUT PREJUDICE  WITH PREJUDICE.
- This case is REMANDED to state court as explained in the attached statement.

3/12/2025

Date



Wesley L. Hsu, United States District Judge

“In civil cases, subject matter jurisdiction is generally conferred upon federal district courts either through diversity jurisdiction, 28 U.S.C. § 1332, or federal question jurisdiction, 28 U.S.C. § 1331.” *Peralta v. Hispanic Bus., Inc.*, 419 F.3d 1064, 1069 (9th Cir. 2005). Plaintiff “bears the burden of establishing subject matter jurisdiction.” *Ashoff v. City of Ukiah*, 130 F.3d 409, 410 (9th Cir. 1997).

Plaintiff indicates in his Complaint that the sole basis for this Court’s jurisdiction is diversity. (Docket No. 1 at 2). However, complete diversity does not exist because Defendant Housing Authority of the City of Los Angeles shares California citizenship with Plaintiff (*Id.* at 3; Docket No. 1-1). See *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 553 (2005).

Moreover, to the extent Plaintiff also relies on federal question jurisdiction by checking that box in his Civil Cover Sheet (Docket No. 1-1), the Complaint reveals no such basis for that jurisdiction. Plaintiff does not cite any Constitutional provision or other federal law, but instead raises claims of negligence, invasion of privacy “under California law,” and other purported violations of various California statutes (Docket No. 1 at 3-5). See *Negrete v. City of Oakland*, 46 F.4th 811, 816 (9th Cir. 2022) (“Under 28 U.S.C. § 1331, federal courts ‘have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.’”); *K.C. v. Victor Valley Transit Auth.*, 2018 WL 6219787, at \*1 (C.D. Cal. Nov. 7, 2018) (finding lack of subject matter jurisdiction where plaintiff alleged state law causes of action of negligence and negligent infliction of emotional distress).

Accordingly, this action is **DISMISSED** without leave to amend and without prejudice. See *Missouri ex rel. Koster v. Harris*, 847 F.3d 646, 656 (9th Cir. 2017) (“In general, dismissal for lack of subject matter jurisdiction is without prejudice.”); *In re Dynamic Random Access Memory Antitrust Litigation*, 546 F.3d 981, 990 (9th Cir. 2008) (amendment futile where plaintiff could not plead subject matter jurisdiction).

In light of this dismissal, the Request is **DENIED** (Docket No. 3), and all other pending matters are **TERMINATED**.

(attach additional pages if necessary)